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OFFICE OF PETITIONS

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In re Application of :
VENABLE et al. : **DECISION ON PETITION**
Application No. 09/450,037 :
Filed: December 29, 1999 :
Attorney Docket No. ZW-24B :

This is a decision on the petition under 37 CFR 1.181 (feeless), filed January 22, 2009, to withdraw the holding of abandonment in the above-identified application.

This application was held abandoned for failure to respond timely to the Notice of Allowance and Fee(s) Due, mailed March 11, 2002, which set a three-month statutory period for reply. In the absence of a timely filed response, the application was held abandoned on June 12, 2002. On July 19, 2002, the Office mailed a Notice of Abandonment.

In the petition, practitioner asserts that the firm did not receive the Notice of Allowance, the Notice of Allowability or the Notice of Abandonment because the USPTO erroneously mailed the Notices to an incorrect correspondence address. Accordingly, petitioners request that the Office withdraw the holding of abandonment due to non-receipt, re-mail the Notice of Allowance and the Notice of Allowability, and restart the period for reply.

A review of the written record indicates an irregularity in the mailing of the Notice of Allowance, the Notice of Allowability and the Notice of Abandonment. On February 11, 2002, prior to the mailing of the Notices, the USPTO received a request to change the correspondence address of record to the address associated with Customer Number 28581 signed by the patent practitioner of record. The USPTO records were not timely updated to reflect this new change of correspondence address. Consequently, the USPTO mailed the Notice of Allowance, the Notice of Allowability and the Notice of Abandonment to an incorrect address.

In view of the above, the petition is **GRANTED** and the holding of abandonment is withdrawn.

Technology Center Art Unit 2862 been advised of this decision. The matter is being referred to the Technology Center's technical support staff for re-mailing of the Notice of Allowance and Notice of Allowability. The three (3) month statutory period for responding to the Notice of Allowance and Notice of Allowability will be set to run from the date of the re-mailing of the Notices.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

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